REMARKS/ARGUMENTS

Claims 1-7 remain in this application, with claim 1 being the only claim presented as an independent claim.

Initially, in recognition of the Examiner's indication that the Swiss reference 333891, and German references 0389793, 0546485, 0919650 and 0427933 have not been considered. Applicant submits herewith a supplemental Information Disclosure Statement again including these references, along with an explanation of the relevance as presently understood. In addition, applicant has been able to obtain a corresponding U.S. Patent No. 5,112,420 to EP 0389793 published in German as previously provided. With respect to references 0546485, 0919650 and 0427933, applicant has been able to obtain a copy of the abstract of those references in English, which it submits as well as a translation of the claims of Swiss reference 333891 published in French. Applicant submits that pursuant to MPEP 1893.03(g), these references, cited in the International Search Report and International Preliminary Examination Report should be considered whether or not English translations or explanations have been provided.

Applicant has amended the title of the application as suggested by the Examiner. Applicant also submits herewith a substitute Declaration which indicates that priority is claimed pursuant to 35 USC §§119(a) and 365(b) with respect to Swiss application number 1011/99 filed May 29, 1999, although it is believed that this claim of priority is inherent under the provisions of the Patent Cooperation Treaty as applied to this national phase filing. See MPEP 1893.03(c).

Applicant believes that a copy of the priority document has previously been transmitted to the U.S. Patent Office by WIPO. It is requested that the Examiner confirm the receipt of the priority document as provided in MPEP 1893.03(c). Further, no translation is necessary because of the provisions of the Patent Cooperation Treaty. Nonetheless, the substitute Declaration is supplied herewith. However, if the priority document has not been received or is not in the file, applicant respectfully requests that the Examiner notify the undersigned so that a certified copy of the priority document may be provided in accordance with Rule 1.55(a)(2).

The Examiner has objected to certain features recited in the claims. The claims form a part of the written description and the features are shown in the drawings. In order to correspond these features as recited to the claims, the drawings have been amended to add reference characters 28, 29, 30 and 31, and a new paragraph has been added to the specification to use the terminology in the specification consistent with that found in the claims and to use the reference characters now added to the drawings. No new matter has been added. It is believed that this amendment fully responds to the examiners objections set forth at page 2, paragraph 4 of the Office Action.

With respect to the objections set forth in paragraph 5 at page 3 of the Office Action, applicant respectfully traverses the requirement for adding reference characters 10, 12 and 16 to the declaration. Applicant courteously invites the Examiners attention to the paragraph of the English translation of the amended sheet (Annex) of the application beginning at line 9 of page 6, and specifically to the use of "embroidery weft threads 12" in line 15 and "code weft threads 10"

at lines 16-17. In addition, attention is invited to the use of "cut edge 16" at lines 4-5 of page 7. Thus, applicant submits that with respect to paragraph 5, the objection was in error and should be withdrawn.

With regard to the objections of paragraphs 6 and 7 to the claims under the provisions of paragraph 2 of 35 USC §112, applicant has amended claim 1 to correct the word "rand" to read "range". Applicant believes that this amendment addresses this objection. With regard to the remaining assertion, in that claim 1 is convoluted, applicant respectfully traverses this comment. The claim language addresses the features of the invention and is appropriate for describing the features of the invention. The use of "foldable" in regard to the description of the narrow sides is not an objectionable limitation, in that some fabrics may be incapable of folding. Further, with the exception of the remarks concerning the nonfolded and foldible sides, addressed below, the objection is non-specific. Finally, with respect to line 8, the longitudinal sides 1 are clearly shown to be transverse to the warp threads 4 as viewed in Figure 8. With the exception of the correction of "rand" to "range" as made in amended claim 1, applicant respectfully traverses the objections as made in paragraphs 6 and 7 and requests that the objections be withdrawn.

Turning to the art rejection as set forth in paragraphs 8 and 9, applicant respectfully traverses the rejection under 35 USC §102(b). While it is not understood how this reference can be relied upon to sustain a rejection yet not be considered (see paragraph 1 of the Office Action), it is clear that this reference fails to disclose, teach or suggest the invention as set forth in the claims.

In EP 0919650, the woven label has code wefts across the ribbon width, which alternate with the fabric wefts. The wefts together form the woven structure. In the visible light spectrum, the warps and wefts are all identical and the code pattern is not visible, at least until a light outside the visible spectrum is applied and the code wefts change their appearance to reveal the label code. The code wefts have a fluorescent dye, which is not apparent in the visible spectrum, and the code pattern is revealed under ultra-violet light. Here, the longitudinal sides of the rectangular label run in the warp direction and therefore this arrangement does not resolve the problem arising from the cutting of the longitudinal sides in the warp direction.

The EP 0919650 reference, like all of the prior art references, have an arrangement in which the woven web is firstly cut into bands with **labels interconnected succeeding one another in the warp direction.** The labels have a rectangular shape with two longitudinal sides and two narrow sides, **the warp threads lying parallel to and the weft thread transversely to the longitudinal sides** of the label and possible bar codes (not all of the references include bar codes in the labels) being formed by code stripes which in each case run in the weft direction.

Applicant's invention is contrary to this teaching.

In the present invention as set forth in claim 1, the woven web is first cut into bands with **labels interconnected succeeding one another in the weft direction** The labels are constructed to have a rectangular shape with two longitudinal sides and two narrow sides, **the weft threads lying parallel to and the warp threads transversely to the longitudinal sides** of

the label and the bar code formed in the present invention which are formed by code stripes running in the warp direction.

Because the prior art references, as discussed in detail in the accompanying Information Disclosure Statement, describe bands which are made with their longitudinal sides running parallel to the warp direction, it is clear that heretofore one skilled in the art would expect, if not demand, such an arrangement. This type of arrangement uses short embroidery weft threads and thus a relatively stable formation of the labels is obtained.

The present invention as set forth in the claims of this application provides the following advantages over the prior art references:

a. The longitudinal sides of the labels can be cut in the ground fabric, consisting of the ground warp and ground weft threads in the direction of the ground weft threads. The cut edges are produced with soft and skin-friendly edges, which improve the wearing comfort. The cut edges made by the ground wefts have virtually no brows, compared with those produced when cutting through the embroidery weft threads. No folding of the longitudinal edges is needed to assure soft edges.

b. Because only the narrow sides are folded, the invention has less waste than other constructions or methods, which fold both the narrow and the longitudinal sides.

c. The cut edges of the bands, occurring during the separation of the broad fabric,

can be covered by the foldable narrow side of the labels, with the result that the labels are further improved.

d. The code weft threads can be inserted with a weft density selectable within a wide range and can be tied into ground fabric in order to produce the invisible bar codes, while the code bands running in each case in warp direction and succeeding one another in the weft direction are formed in each case, according to the desired code pattern, by one or more of the warp threads being tied off.

e. Since the weft threads run parallel to the longitudinal sides of the labels, uniform appearance is achieved over the entire length of each label, because the ground weft threads and also the embroidery weft threads and code weft threads cover the rear uniformly.

Applicant further would note that the claims of the present application call for the label hereof to have "nonfolded longitudinal sides." This clearly distinguishes over, e.g., EP 0389793. That reference teaches achieving a soft band edge by producing bands of greater width with hard edges, and states that "the invention has realized that it is useless to experiment with the fusion edges, to soften said edges." The labels are formed in a two stage process, wherein a semi-finished product is formed in the first stage with cut longitudinal sides and with an excess width. In the second stage, the semi-finished product is folded along the margin to the final width and the folded margins are adhesively bonded to the rear side. In the process to fold these edges, the invention thereof finally achieves bands with desired widths and soft edges. The invention of EP

0 389 793 discloses producing the labels by a weaving machine with the weft threads arranged widthways, and thus the warp threads are arranged longitudinally. The applicant's invention as set forth in the claims of the present application, however, relies on the opposite arrangement of the warp and weft threads, which allows cutting the longitudinal sides, for instance, with a thermal knife. The weft threads, as well as the figure and code threads, are arranged longitudinally and the warp threads are arranged widthwise.

this arrangement provides the advantage that it is possible to cut the longitudinal sides of the label with stable and soft edges through a thermal knife, a mechanical knife or an ultrasonic knife. This is done in such a way that the longitudinal sides have well-fused and soft edges and no folding of such edges is required to achieve soft longitudinal edges. The cut edges are made through the ground wefts in the weft direction. Moreover, in EP 0 389 793, the excess width of the label becomes obsolete, that is, waste. Therefore, the invention of the present application is more efficient in regard to making labels of the same widths. In addition, the delicate bonding process described in stage two of the EP 0 389 793 reference becomes obsolete as well.

Applicant's invention further distinguishes from the EP 0 546 485 reference, which, as described in the accompanying information disclosure statement, teaches a method whereby the weft threads are arranged widthways and the warp threads longitudinally as in the EP 0 389 793 reference. This reference teaches that the meltable threads are arranged as warp threads. In order to produce labels of different widths, the warp threads need to be positioned differently, which is not easy and is time-consuming as known by those in the art. This reference also teaches that the

longitudinal cut is performed in a two-stage process, which requires the meltable thread to be melted to provide the solid edge of the cut bands. The process also requires a heating bench to melt the thread. In the second stage, the spacer zone is cut longitudinally with a mechanical knife. Unlike the resulting velvet-like band edges which are the cut edges of the EP 0 546 485 reference, the present invention provides for well melted yet soft edges. The present invention also provides labels without projecting single threads on the edges.

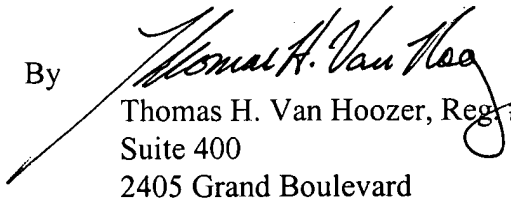
Applicant would finally invite the Examiner's attention to the International Preliminary Examination Report. The principal reference on which the Examiner now relies was specifically considered during examination, but it is recognized that the construction of the present invention specifically distinguishes over this reference. In particular, the International Preliminary Examination Report states:

> **The nearest prior art** is described in document EP 0 919 650A (A, P document). This document is mentioned in the application and likewise relates to a woven label in which, however, the longitudinal sides do not run transversely to the warp direction and parallel to the code weft threads. (emphasis supplied).

Accordingly, applicants respectfully submit that the application is now in condition for allowance and such is courteously requested. Should the Examiner have any questions after reviewing the foregoing, he is requested to contact the undersigned at 1-800-445-3460. Any additional fees necessitated by this amendment may be charged to Deposit Account 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 

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